## SOUTH DAKOTA BOARD OF NURSING

IN THE MATTER OF THE LICENSURE

**PROCEEDINGS** 

**DOH 18-08** 

RE: DEENA ROJERO, LPN,

License No. P011236,

ORDER FOR SUMMARY SUSPENSION AND NOTICE OF HEARING

Licensee.

WHEREAS, Deena Rojero, LPN ("Licensee"), is licensed to practice as a practical nurse in the State of South Dakota and hold license number P011236; and

WHEREAS, on or about February 9, 2018, the South Dakota Board of Nursing ("Board") received a complaint from the Licensee's employer that the Licensee, on or about December 18, 2017, had reported to her morning shift at work smelling of alcohol. At the time, it was also noted there were several bottles of alcohol in her coat pocket. Licensee denied that she had been drinking at work; and

WHEREAS, Licensee refused alcohol testing at that time and was terminated from her employment; and

WHEREAS, on or about March 13, 2018, I received another complaint from a subsequent employer advising that the Licensee tested positive for alcohol while on duty; and

WHEREAS, in her informal meeting with Board staff, Licensee admitted to anxiety and missing three months of work due to the loss of a number of family members, and that this had been a significant stressor for her. Licensee admitted to consuming quite a bit of alcohol after work, but denied that she had been drinking at work; and

WHEREAS, based upon the affidavit of Francie Miller and the above stated conduct, the Board has concluded that Licensee's actions require emergency action, in that Licensee's actions may endanger the health and safety of those who are, or will be, entrusted to her care in the future; and

WHEREAS, the Board, has a statutory obligation to protect the health, safety and welfare set forth in SDCL §36-9, including the protection of the public from unsafe nursing practices and practitioners.

## NOW THEREFORE IT IS HEREBY ORDERED:

- 1. That the Board has jurisdiction over the Licensee and the subject matter of this Order.
- 2. That based on the above, the Board specifically finds that the actions of the Licensee endanger the public health, safety and welfare, and imperatively require emergency action in that Licensee may endanger the health and safety of those persons who are or will be entrusted to her care and that these are matters of a nature that would constitute further grounds for discipline of her license to practice nursing under SDCL § 36-9-49 (5), (7) and (10).
- 3. Based upon these findings, Licensee's license to practice nursing in South Dakota is hereby summarily suspended. Licensee may petition according to SDCL § 36-9-57 for reinstatement of her license at any time for "good cause."
- 4. Licensee is hereby notified that any practice of or holding herself out as a practical nurse during the terms of this Order of Summary Suspension is a violation of SDCL § 36-9-68.

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5. This action is reportable discipline and will be published in the Board's newsletter and posted on its web site and reported into the National Practitioner Data Bank (NPDB) as required by law.

The South Board of Nursing met on the 19<sup>th</sup> day of April, 2018, and approved this Order of Summary Suspension as written by a vote of 7-0 and issues its Order of Summary Suspension consistent herein as follows:

IT IS HEREBY ORDERED that the above is adopted as an Order of the South Dakota Board of Nursing this \_\_\_\_\_\_\_, 2018.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard, Executive Director

## NOTICE OF HEARING

The South Dakota Board of Nursing ("Board") pursuant to SDCL §§ 1-26-16, 1-26-27, and 1-26-29, hereby provides this Notice of Hearing to Deena Rojero, LPN, License No. P011236 ("Licensee") as follows:

1. Hearing on the Order of Summary Suspension will take place before the Board on June 28, 2018, at <u>q</u>: <u>30 yr</u>.m. at the office of the South Dakota Board of Nursing, 4305 S. Louise Avenue, Suite 201, Sioux Falls, South Dakota.

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2. This matter is an adversarial proceeding and Licensee has the right to be present

at the hearing and to be represented by an attorney. These due process rights will be forfeited if

they are not exercised at the hearing.

3. The hearing will address the Board's assertion, as set forth in its Summary

Suspension, that the Licensee, by her conduct, violated SDCL § 36-9-49 (5), (7) and (10).

4. At the hearing, the Board will determine whether the Licensee's license shall be

suspended, revoked or subject to other disciplinary action as determined by the evidence

presented.

5. The Board has requested the presence of an Administrative Law Judge from the

Office of Hearing Examiners to preside at this proceeding.

6. A decision issued by the Board after the hearing may be appealed to the circuit

court and to the state Supreme Court as provided by law.

SOUTH DAKOTA BOARD OF NURSING

Slovia Damgaard, Executive Director